

REMARKS/ARGUMENTS

The remarks presented herein attend to all outstanding issues in the pending office action of 29 March 2004. Claims 1-10 remain pending in this application.

Double Patenting

Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-9, 19 and 21-23 of U.S. Patent No. 6,677,599, issued January 13, 2004 to Berrian ("Berrian"). The instant application and Berrian share identical inventors, and are commonly owned by Applied Materials, Inc., as exemplified in the assignment recorded at reel 013244, frame 0384. A terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) and the required fee of \$110 under 37 CFR § 1.20(d) are filed herewith, to overcome the double patenting rejection. Applicant accordingly requests withdrawal of the double patenting rejection of claims 1-10 in the instant application.

In view of the above Remarks and the Terminal Disclaimer submitted herewith, Applicant has addressed all issues raised in the Office Action dated 29 March 2004, and respectfully solicits a Notice of Allowance. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

A fee transmittal authorizing the Commissioner to charge the required terminal disclaimer fee of \$110 is submitted herewith. Applicant believes no further fees are due; however, if any fee is deemed necessary in connection with this Amendment and Response, please charge Deposit Account No. 12-0600.

Respectfully submitted,
LATHROP & GAGE L.C.

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